This relatively mild punishment has been introduced mainly through Christian influence and on account of the dearth of women caused by female infanticide.[48]

The reports regarding the OSSETINE penalties are indeed confusing, until the proper local and temporal distinctions are made. Thus according to an ancient *adat* of the "frontier" Ossetes, as some Russian writers call them, the avenger of adultery would become the blood-enemy of the relatives of the adulterer. Later on a new customary law arose, giving the husband full right to kill the adulterer as well as the adulteress, with impunity.[49] The Ossetes of Tagaursk and Kurtalinsk usually killed the adulterer and threw the unfaithful wife out of the house.[50] The Alaghirs, on the contrary, were more merciful toward the adulterer and less so toward the adulteress. He was obliged to give the offended husband a horse and saddle, and then give him a feast, whereas the woman was mutilated (her nose was cut off) and then sent back to her father. If her husband forgave her, her family had to give him a horse and a gun.[51] In the collection of *adats* of 1841 (§ 41), the adulterer could be killed with impunity if caught *in flagranti*, whereas in the last decades of the nineteenth century Kovalevskij learned that the adulterer might indeed be wounded but not killed.[52] Inspite of these variations, *all* Ossetes have always believed that adultery was a very serious crime.

Formerly even mere suspicion justified the jealous husband to kill his wife and the suspected lover.[53] If he spared her life, he punished her publicly, bound her naked to a donkey and drove her through the village, whipping both the donkey and the miserable culprit, while the children and the girls of the *aul* would throw filth at her and sing jeering songs.[54]

Formerly to accept anything less than blood (that is, bloodwite) was considered a disgrace and even unlawful.[55]

The penalties for fornication were also very severe. The girl was set upon a donkey, her face to the tail and thus publicly driven through the village, jeered and spat upon by her fellow-villagers. And if she gave birth to an illegitimate child, the baby would be killed. If the mother's life was spared, she could marry only a widower,[56] or, of course, her lover.[57] Sometimes the lover was even forced to marry her or at least pay the usual *kalym*.[58]

The TURKS of the Caucasus are also very merciless when it comes to punishing adultery. If a Kumyk or Nogai husband or near relative catches a woman in the act of adultery, he may kill both culprits on the spot. If the

[48] Dirr, *l. c.*
[49] Pfaff's article in SSKG, II, pp. 274 f., cited by Dirr, AGKB, p. 80.
[50] Leontovič, II, p. 41
[51] Leontovič, II, pp. 44, 38.
[52] Kovalevski, *Coutume contemp.*, p. 349, *note* 1.
[53] S. Karginov, "Krovavaja mest' u osetin," SMOMPK, XLIV (1914), No. 3, pp. 224 f.
[54] Dirr, *l. c.*
[55] Karginov, *l. c.*
[56] Baddeley, *op. cit.*, I, p. 237.
[57] A. H. Post, *Grundriß der ethnol. Jurispr.*, II, p. 378.
[58] Dubrovin, *Istorija*, I, i, p. 339.

1 [usually divorce, refund of bride price, and half of usual bloodwite -- Analyst]
2 [In Georgia -- Analyst]

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writings of the Arabs al-Mas'ûdî and Abu-El-Kasim. They claim that the father offers one of his daughters to his guest as a mere point of hospitality. Stählin[72] claimed that illegitimate children were treated the same as legitimate. On the other hand, a large number of authors, such as Struys, Lamberti,[73] Neumann,[74] and others, claim that the Cherkess women are extremely modest. The true solution to these conflicting reports is the one suggested by Ladyženskij.[75] "Den richtigsten Standpunkt nimmt in der Frage Garni ein (Reisen in den Ländern der asiatischen Türkei und des Kaukasus, 1854). Er betont die Keuschheit der freien Frauen und den Hetärismus der Sklavinnen." This is also Dirr's opinion.[76] In other words, the reports are true only to a certain extent: the freewomen are exceptionally modest, while the slaves exceptionally immodest, religious prostitution and sexual hospitality being restricted to slaves. Such conduct in regard to freewomen would be impossible considering the great economic loss the family would suffer from defloration, considering also the virginity test, and, finally, the fear of illegitimate children. On the other hand, defloration, virginity, and illegitimate children in the case of *slaves* would offer no serious difficulty.

We have a similar problem in regard to some of the Lesghians. As we have mentioned above, Herodotus wrote of the Lesghians that "they copulate in public as beasts are wont to do."[77] Przewalski reported that at Tsunta-Akhvakh unmarried couples were allowed to sleep together.[78] Baddeley confirms Przewalski's report: "It is the custom for a host to give his guest one of his daughters or some other girl to sleep with. The couple may ... do what they like provided the maidenhead remains intact; and even that depends on the fair one's goodwill. But should the guest so far forget himself as to force her, he will pay for it with his life. Those people think meanly of a girl who has never slept with an honoured guest."[79] Baddeley's guide, a native of Ossetia, "accepted this as a fact, and added that something of the same sort went on in certain of the older Cossack 'stanitsas' on the Terek, instancing Tchervlennaya."[80] Herodotus' report is useless, for we do not know exactly who is meant, but there is no reason to doubt Przewalski and Baddeley. However, we wish to stress that this is a custom found exclusively in Tsunta-Akhvakh and is, by no means, the picture of entire Daghestan. Tsunta-Akhvakh is only a *village* (in 1901 it had only 415 inhabitants), which constitutes an *exception*

[72] Jacob v. Stählin, *Nachrichten von Tschirkassien oder von dem Karbardinischen Lande*, 1771, referred to by Ladyženskij, FT, p. 185.

[73] Cf. Ladyženskij, *l. c.*

[74] Neumann, *Rußland und die Tscherkessen*, cf. Ladyženskij, *l. c.*

[75] Ladyženskij, *l. c.* Ladyženskij, "Zur Erforschung der Rechtsgewohnheiten, etc.," pp. 243 f.

[76] Ladyženskij, FT, p. 184. Cf. Castagné, "Le droit coutumier familial des montagnards du Caucase," p. 252: "Supposer que le montagnard adighé pût proposer sa fille ou sa femme a un hôte, serait comprehensible si la femme des montagnards avait été esclave, mais cela n'étant pas, une supposition de ce genre doit être considéré comme sans fondement aucun."

[77] Cited by Potocki, *Voyage dans les steps d'Astrakhan et du Caucase*, I, p. 240; to which Potocki adds, "Celle de quelques vallées du Caucase sont encore très libres."

[78] Kovalevskij, *Zakon*, II, p. 189.

[79] Baddeley, *op. cit.*, II, pp. 13 f.

[80] Baddeley, *op. cit.*, *II*, p. 14.